

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

FILED

08-31-2017

John Barrett

Clerk of Circuit Court

2017 OCT 31 PM 14

Honorable Timothy

Wilkowiak-22

Branch 22

JESSICA JOHNSON,
Individually and as
Special Administrator of the estate of
WENDELL KENNETH JOHNSON,
SAVANNAH JOHNSON and BRADY JOHNSON,
by ROBERT A. LEVINE, their Guardian Ad Litem
2311 NW Ashland Parkway
Ankeny, IA 50023

Case No.: _____
Case Code: 301015
Case Type: Wrongful Death

Plaintiffs

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.
a foreign corporation
c/o CORPORATION SERVICE COMPANY, PA
2595 Interstate Drive
Harrisburg, PA 17110

Involuntary Plaintiff

vs.

JAMES RIVER INSURANCE
c/o Richard J. Schmitzer, President and CEO
6641 West Broad Street, Ste. 300
Richmond, Virginia 23230

RASIER, LLC
a foreign LLC
c/o National Registered Agents, Inc., Registered Agent
400 Cornerstone Drive, Ste. 240
Williston, VT 05495

RASIER-CA, LLC
a foreign LLC
c/o CT CORPORATION SYSTEM, Registered Agent
818 W. 7th Street, Ste. 930
Los Angeles, CA 90017,



RASIER-DC, LLC
a foreign LLC
c/o CT CORPORATION SYSTEM, Registered Agent
1015 15 Street NW, Ste. 1000
Washington DC, 20005

RASIER-PA, LLC
a foreign LLC
c/o CT CORPORATION SYSTEM, Registered Agent
116 Pine Street
Harrisburg, PA 17101-1244

UBER TECHNOLOGIES, INC.
a foreign corporation
c/o CT CORPORATION SYSTEM, Registered Agent
818 W. 7th Street, Ste. 930
Los Angeles, CA 90017, and

Defendants.

SUMMONS

To each person named above as a Defendant:

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose mailing address is Clerk of Circuit Court for Milwaukee County, Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233, and to the Plaintiff's attorney, Robert A. Levine, 630 N. Broadway, Milwaukee, Wisconsin, 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 30th day of August, 2017.

LAW OFFICES OF ROBERT A. LEVINE

By: Electronically signed by Robert A. Levine

Robert A Levine
State Bar No. 1011965
Jonathan Cattey
State Bar No. 1079322

P.O. ADDRESS:

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Washington DC, 20005

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UBER TECHNOLOGIES, INC.
a foreign corporation
c/o CT CORPORATION SYSTEM, Registered Agent
818 W. 7th Street, Ste. 930
Los Angeles, CA 90017, and

Defendants.

COMPLAINT

NOW COMES the above-named plaintiffs, Jessica Johnson, Individually and as Special Administrator of the estate of Wendell Kenneth Johnson, Savannah Johnson and Brady Johnson, by their attorneys, the Law Offices of Robert A. Levine, represented by Robert A. Levine, and as and for a first claim for and on behalf of Jessica Johnson, Individually and as Special Administrator of the estate of Wendell Kenneth Johnson, Savannah Johnson and Brady Johnson, and against James River Insurance, Rasier, LLC, Rasier-CA, LLC, Rasier-DC, LLC, Rasier-PA, LLC, and Uber Technologies, Inc. alleges and shows to the court as follows:

1. Plaintiffs have separate claims which arise out of the same incident and are joined for the purpose of suit and trial, but each prays for a separate judgment.
2. At all of the times hereinafter mentioned the plaintiffs, Jessica Johnson (hereinafter "Jessica"), Savannah Johnson (hereinafter "Savannah") and Brady Johnson (hereinafter "Brady") were and now are a residence of the City of Ankeny, County of Polk, State of Iowa, residing at 2311 NW Ashland Parkway and are the surviving wife and children of Wendell Kenneth Johnson (hereinafter "Kenneth"). Jessica was appointed the Special Administrator of the Estate of Kenneth,

Estate of Kenneth, who was killed in a motor vehicle collision on or about April 4, 2016 and is pursuing claims for the wrongful death of her husband, including but not limited to, loss of his earning capacity, loss of consortium, and for Kenneth's pain and suffering.

3. At all of the times hereinafter mentioned, the involuntary plaintiff National Union Fire Insurance Company of Pittsburgh, PA. (hereinafter "National") was and now is a foreign corporation with its registered agent for service Corporation Service Company, located at 2595 Interstate Drive, Harrisburg, PA 17110 and provides Worker's Compensation benefits.

4. Upon information and belief at all the times hereinafter mentioned, the defendant James River Insurance (hereinafter "James River") was and now is a foreign insurance corporation with its registered agent for service in Virginia, President and CEO Richard J. Schmitzer, located at 6641 West Broad Street, Ste. 300, Richmond, Virginia 23230, and was and now is engaged in the insurance business, writing policies of liability insurance and upon information and belief, carried a policy of liability insurance on the defendants Rasier, LLC (hereinafter "Rasier"), Rasier-CA, LLC (hereinafter "Rasier-CA"), Rasier-DC, LLC (hereinafter "Rasier-DC"), Rasier-PA, LLC (hereinafter "Rasier-PA"), and Uber Technologies, Inc., (hereinafter "Uber") and its employees including Yoruba Sly-Lundasi (hereinafter "Lundasi") who was operating a motor vehicle for Uber at the time of the incident.

5. Upon information and belief at all the times hereinafter mentioned, the defendant Rasier, LLC (hereinafter "Raiser") was and now is a foreign corporation with its registered agent for service, National Registered Agents, Inc., located at 400 Cornerstone Drive, Ste. 240, Williston, Vermont 05495, and was and now is a subsidiary of Uber Technologies, Inc.

6. Upon information and belief at all the times hereinafter mentioned, the defendant Rasier-CA, LLC (hereinafter "Raiser-CA") was and now is a foreign corporation with its

registered agent for service, CT Corporation System located at 818 W. 7th Street, Ste. 930, Los Angeles, California 90017, and was and now is a subsidiary of Uber Technologies, Inc.

7. Upon information and belief at all the times hereinafter mentioned, the defendant Rasier-DC, LLC (hereinafter "Raiser-DC") was and now is a foreign corporation with its registered agent for service, CT Corporation System located at 1015 15 Street, NW, Ste. 1000, Washington, DC, 200005, and was and now is a subsidiary of Uber Technologies, Inc.

8. Upon information and belief at all the times hereinafter mentioned, the defendant Rasier-PA, LLC (hereinafter "Raiser-PA") was and now is a foreign corporation with its registered agent for service, CT Corporation System located at 116 Pine Street, Harrisburg, PA 17101-1244, and was and now is a subsidiary of Uber Technologies, Inc.

9. Upon information and belief at all the times hereinafter mentioned South 60th Street was and now is a public highway in the City of West Allis, County of Milwaukee, State of Wisconsin running in a northerly and southerly direction, at a point where said roadway intersects with the exit from the Johnson Controls Facility parking lot, near West Pierce Street.

10. Upon information and belief on or about the 4th day of April, 2016, Kenneth was a passenger in an Uber vehicle being driven by its employee, Lundasi, and insured by the defendant James River, Lundasi while exiting the Johnson Controls parking lot intending to make a left turn to proceed north on South 60th Street was negligent, in among others, in failing to stop for a stop sign, in failing to maintain a proper lookout, and in failing to properly manage and control his vehicle. Upon information and belief, the defendant Larson was traveling in a southerly direction on South 60th Street and collided with vehicle then and there, being driven by Lundasi resulting in the death of Kenneth.

11. As a proximate result of the negligence of Lundasi, as an employee of the defendants Raiser, Raiser-CA, Raiser-DC, Raiser-PA and Uber, Kenneth was killed resulting in damages to the plaintiffs Jessica, Savannah and Brady, including but not limited to a claim for wrongful death, loss of earning capacity and loss of consortium and Jessica, as special administrator of the estate of Kenneth for his past pain and suffering all to their damage in an amount be set by the trier of fact.

WHEREFORE, the plaintiffs, Jessica Johnson, individually and as special administrator of the estate of Wendell Kenneth Johnson, Savannah Johnson and Brady Johnson demand judgment for damages against the defendants, James River Insurance, Rasier, LLC, Rasier-CA, LLC, Rasier-DC, LLC, Rasier-PA, LLC and Uber Technologies, Inc. in amounts the trier of fact deems fair and reasonable together with their costs and disbursements.

WHEREFORE, the involuntary plaintiff National Union Fire Insurance Company of Pittsburgh, PA demands judgment for reimbursement and/or subrogation against the defendants, James River Insurance, Rasier, LLC, Rasier-CA, LLC, Rasier-DC, LLC, Rasier-PA, LLC and Uber Technologies, Inc. in an amount the trier of fact deems fair and reasonable together with its costs and disbursements

DEMAND IS HEREBY MADE FOR A TWELVE PERSON JURY

Dated at Milwaukee, Wisconsin this 30th day of August, 2017.

LAW OFFICES OF ROBERT A. LEVINE,
Attorneys for Plaintiff

By: Electronically filed by Robert A. Levine
Robert A. Levine, State Bar #01011965
Jonathan J. Cattey, State Bar #01079322

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